

Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
Fifth Special Session
2002

CHAPTER 2

SENATE BILL 1002

AN ACT

AMENDING SECTION 31-252, ARIZONA REVISED STATUTES; REPEALING LAWS 2002, CHAPTER 328, SECTION 30; MAKING AN APPROPRIATION; RELATING TO PRISONS AND PRISONERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 31-252, Arizona Revised Statutes, is amended to
3 read:

4 31-252. Use of prisoners in public works; cooperative prisoner
5 labor system; definitions

6 A. The director may enter into a cooperative agreement with any state
7 agency or political subdivision of this state or any department or agency of
8 the federal government to provide hard labor by prisoners on public works.

9 B. The director shall develop and maintain a cooperative prison labor
10 system for the purpose of establishing plans and procedures for initiating,
11 entering into and executing contracts pursuant to subsection A. The system
12 shall include procedures providing for:

13 1. Facilitation of communication between the department and other
14 state agencies and political subdivisions regarding the need for and
15 utilization of hard labor by prisoners on public works.

16 2. As a condition of every cooperative agreement entered into pursuant
17 to subsection A, cost sharing between the department and the state agency or
18 political subdivision for the maintenance of prisoners engaged in work
19 projects outside of a corrections facility of the department, including
20 transportation, supervision, security, housing, food and health services.

21 C. The director may authorize the use of prisoner work crews to
22 participate in community betterment projects for public and private nonprofit
23 entities. The department may compensate prisoner work crews from monies
24 appropriated by the legislature for the work incentive pay program
25 established by the department. Before allowing a prisoner work crew to
26 participate in a community betterment project, the department shall determine
27 that the project and the manner of prisoner compensation comply with article
28 IX, section 7, Constitution of Arizona.

29 ~~D. Pursuant to rules adopted by the director, on commitment to the~~
30 ~~department, each prisoner shall be placed in an earning status beginning on~~
31 ~~the prisoner's sentence begin date.~~

32 ~~E.~~ D. For purposes of this section:

33 1. "Community betterment project" means any public or private works
34 project that uses prisoners and serves to benefit this state in terms of
35 health, safety, welfare or aesthetics.

36 2. "Public works" means the maintenance, construction or adaptation
37 of public land or any building, structure, erection or improvement on public
38 land including roads, flood control projects and parks.

39 Sec. 2. Retroactivity

40 Section 31-252, Arizona Revised Statutes, as amended by this act,
41 applies retroactively to May 30, 2002.

1 Sec. 3. Applicability

2 Section 41-1604.07, Arizona Revised Statutes, as amended by Laws 2002,
3 chapter 321, section 3, applies both:

4 1. On and after May 30, 2002.

5 2. To persons who committed an offense on or after January 1, 1994 and
6 who were in the custody of the county jail or the state department of
7 corrections on May 30, 2002.

8 Sec. 4. Repeal

9 Laws 2002, chapter 328, section 30 is repealed.

10 Sec. 5. Private incarceration facilities; reimbursement of
11 costs; exemptions

12 A. In addition to the authority under section 41-1609, Arizona Revised
13 Statutes, beginning on October 1, 2002, the state department of corrections
14 may contract with a private incarceration facility or governmental entity for
15 the placement of Arizona inmates either within or outside this state, as
16 follows:

17 1. The contract shall limit the average daily inmate population to not
18 more than four hundred forty-five beds.

19 2. The per diem rate per bed shall be capped at \$43.60 and the
20 department shall submit the negotiated rate to the joint legislative budget
21 committee for review before finalizing the contract.

22 3. This state shall pay the costs of the per diem up to \$30.00 per bed
23 and any cost above \$30.00 per bed up to the per diem cap of \$43.60 shall be
24 paid proportionally between Maricopa county and Pima county. The director
25 of the state department of corrections shall monthly determine the counties'
26 share of incarceration costs and shall proportionally allocate the costs
27 eighty-two per cent to Maricopa county and eighteen per cent to Pima county.
28 The director shall notify the state treasurer of the amounts owed and the
29 treasurer shall withhold the amount from any transaction privilege tax
30 distributions to the county. The treasurer shall deposit, pursuant to
31 sections 35-146 and 35-147, Arizona Revised Statutes, the withholdings in the
32 corrections fund established by section 41-1641, Arizona Revised Statutes.
33 Any monies withheld pursuant to this subsection and deposited in the
34 corrections fund are appropriated to the state department of corrections for
35 costs associated with this subsection.

36 B. Notwithstanding any other law, for fiscal year 2002-2003 the state
37 department of corrections is exempt from the provisions of title 41, chapter
38 23, Arizona Revised Statutes, for private incarceration facility contracts.
39 All other procurement by the department shall be as prescribed by title 41,
40 chapter 23, Arizona Revised Statutes.

41 C. The state department of corrections is exempt from the provisions
42 of section 41-1609.01, subsection K, Arizona Revised Statutes, for private
43 incarceration facility contracts entered into pursuant to subsection A of
44 this section.

1 D. Payments by Maricopa and Pima counties pursuant to subsection A of
2 this section expire on June 30, 2003.

3 Sec. 6. Emergency

4 This act is an emergency measure that is necessary to preserve the
5 public peace, health or safety and is operative immediately as provided by

EMERGENCY
NOT ENACTED

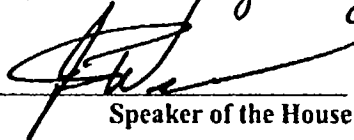
APPROVED BY THE GOVERNOR AUGUST 5, 2002.

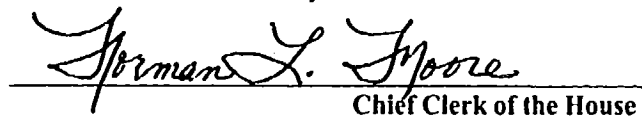
FILED IN THE OFFICE OF THE SECRETARY OF STATE AUGUST 5, 2002.

Passed the House August 1, 20 02,

by the following vote: 39 Ayes,

17 Nays, 4 Not Voting
without Emergency

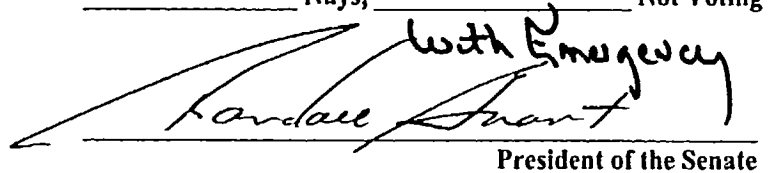

Speaker of the House

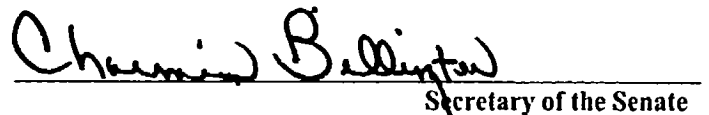

Chief Clerk of the House

Passed the Senate August 1, 20 02,

by the following vote: 23 Ayes,

4 Nays, 3 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1002
Fifth Special Session

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 5 day of August, 20 02,

at 3:59 o'clock P M.

Secretary of State

ON RECONSIDERATION

Passed the House August 1, 20 02,

by the following vote: 38 Ayes,

19 Nays, 3 Not Voting

without emergency

Speaker of the House

Norman L. Moore
Chief Clerk of the House

~~Passed the Senate _____, 20 _____,~~

~~by the following vote: _____ Ayes,~~

~~_____ Nays, _____ Not Voting~~

~~President of the Senate~~

~~Secretary of the Senate~~

EXECUTIVE DEPARTMENT OF ARIZONA OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of August, 20 02

at 1:30 o'clock P M.

Vanda Ramirez
Secretary to the Governor

Approved this 5th day of

August, 20 02,

at 2:40 o'clock P M.

Janet Lee Hull
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 5 day of August, 20 02

at 3:59 o'clock P M.

Patricia Bayler
Secretary of State

S.B. 1002
FIFTH SPECIAL SESSION